

AMENDED IN SENATE MAY 12, 2003

SENATE BILL

No. 272

Introduced by Senator Soto

February 18, 2003

An act to add Section 87835 to the Education Code, relating to community college faculty.

LEGISLATIVE COUNSEL'S DIGEST

SB 272, as amended, Soto. Community college part-time faculty: social security.

Existing federal law requires all public employers to provide their employees with either social security coverage or membership in an alternative retirement plan.

This bill would require community college districts to offer social security coverage to their part-time faculty *and to part-time faculty employees*, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87835 is added to the Education Code,
2 to read:

3 87835. (a) The Legislature finds and declares that federal law
4 requires all public employers to provide their employees with
5 either social security coverage or membership in an alternative
6 retirement plan.

7 (b) Notwithstanding any other provision of law, the governing
8 board of a community college district shall, *by formal action* no

1 later than July 1, 2004, offer coverage under social security to the
2 part-time faculty of the district. Nothing in this section may be
3 deemed to limit the community college district's authority to also
4 offer, or continue to offer, its part-time faculty membership in an
5 alternative retirement plan.

6 (c) *A part-time faculty employee of a community college*
7 *district may, within 60 calendar days of the date of the community*
8 *college district's governing board's action to provide social*
9 *security under this section, elect to be covered by social security.*
10 *If the part-time faculty employee does not make an election within*
11 *the 60-day period, he or she shall remain covered under his or her*
12 *existing alternative retirement plan, unless the governing board of*
13 *the district does not continue to offer that alternative retirement*
14 *plan.*

15 (d) *Within 10 working days following the date of the community*
16 *college district's governing board's action to provide social*
17 *security under this section, the district shall inform its part-time*
18 *faculty of the following:*

19 (1) *Their right to elect coverage under social security.*

20 (2) *The effect of their failure to make an election.*

21 (3) *The rights and responsibilities of the employee and the*
22 *employer under social security.*

23 (4) *The benefits payable under social security.*

24 (5) *The potential effect of the Government Pension Offset*
25 *(GPO) and the Windfall Elimination Provision (WEP) on their*
26 *future social security benefit.*

27 (e) As used in this section, ~~“part-time faculty”~~:

28 (1) *“Alternative retirement plan” means a retirement plan*
29 *offered by a community college district to its part-time faculty that*
30 *satisfies the requirements of a retirement system under Section*
31 *3121(b)(7)(F) of Title 26 of the United States Code.*

32 (2) *“Part-time faculty” or “part-time faculty employee”*
33 *means a person employed by the community college district to*
34 *perform creditable service, as defined in Section 26113, for less*
35 *than 50 percent of the full-time equivalent for the position.*